



members of ACE and the individual plaintiffs have operated past 2:00 a.m., disseminating constitutionally protected sexually oriented expression during the late night hours.

The compelled closure of ACE's members' and the named Plaintiffs' businesses will result in the complete loss of their First and Fourteenth Amendment rights to sell and present constitutionally protected media and performances during those hours, which all of the Plaintiffs have heretofore exercised.

In addition to the loss and deprivation of their constitutional rights, other effects will flow from the substantial curtailment of the hours that they may be open. More particularly, as a direct and proximate result of the forced closure of the Plaintiffs' businesses, a substantial number of adult citizens will no longer be able to purchase, view and avail themselves of the constitutionally protected expression that the Plaintiffs offer.

The curtailment of hours will also detrimentally affect the Plaintiffs' businesses, and their employees and contractors. Compelling the Plaintiffs to close between 2:00 and 6:00 a.m., when a large number of patrons are arriving at and patronizing their establishments, will result in a substantial loss of revenue and cause numerous employees and contract entertainers who work during those hours to lose their livelihoods.

Accordingly, Plaintiffs filed this action challenging the constitutionality of this content based Ordinance and specifically move this Court for a temporary restraining order and then, a preliminary injunction enjoining the enforcement of its hours of operation restriction for sexually oriented businesses against Plaintiffs.

An evidentiary hearing on the motion for a preliminary injunction is hereby requested and

brief in support is submitted contemporaneously.

Respectfully submitted,

SHEILS WINNUBST  
A Professional corporation

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Counsel for Plaintiffs

### CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), this motion will be opposed. A conference was held on January 25, 2022. Attorney Roger Albright, on behalf of the plaintiffs, conferred with Attorney Stacy Rodriguez on behalf of the City of Dallas. An agreement could not be reached between the parties because of their differing views over the constitutionality of the Ordinance at issue.

By: /s/ Roger Albright  
Roger Albright (00974580)  
One of the attorneys for Plaintiffs

### CERTIFICATE OF SERVICE

A copy of the foregoing was served on the Defendant along with and at the same time as the summons and complaint.

By: /s/ Roger Albright  
Roger Albright (00974580)  
One of the attorneys for Plaintiffs